## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			29-Jun-07	APPL. S. N:	10616366			
To Exam	iner:		TABATABAI, ABOLFAZ	Art Unit	2624			
rom			Gunter-Riley, Joyce PARALEGAL SPCECIALIST	Return This Memo To: Drop-Off Location	Case JEF-2D68			
SUBJEC	<b>r:</b> Decisio	n on Termina	al Disclaimer(T.D.) filed:					
orm par or have a	agraphs ion	dentified by t ions, please :	this informal memo in your r see me or the Special Progra	he results as set forth below. ext Office action to notify app om Examiner. THIS IS AN INF O OF RECORD IN THE APPLIC	olicant of the T.D. If yo ORMAL, INTERNAL ME	ou disagree MO ONLY.		
olease in	itial, date	and return t	his memo to me. THANK YO	U.				
<b>⊡</b>	The T.D. is PROPER and has been recorded (see 14.23).							
	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):							
		The TD fee ouse of a dep	of has not been sub	omitted nor is there any autho	orization in the applica	tion file for the		
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).						
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).						
				(s), which is not acceptable s to be granted" (MPEP 1490) (				
		The person	who signed the T.D.:					
		is	not an attorney "of record" (	see 14.29 and 14.29.01).				
		ha	s failed to state his/her capa	city to sign for the business e	ntity (see 14.28).			
		is	not recognized as an officer	of the assignee (see 14.29 &	possible 14.29.02).			
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel an frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).				ice og of the reel and		
		The T.D. is not signed (see 14.26 & 14.26.03).						
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).						
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).						
		The period of	disclaimed is incorrect or not	specified (see 14.26, 14.27.0	)2 or 14.26.03).			
		Other:				<b>↑</b>		
			to request refund (see 14.36 check this item.	6). NOTE: If already authorize	d, credit refund to dep	osit account		
have a	propriate	ely notified a	oplicant(s) of the status of th	ne Terminal Disclaimer filed in	this case.			
Ex.Initial	s:	Da	ite:		Log Date:			

Application Number	Application/Co	R	Applicant(s)/Patent under Reexamination			
	10/616,366	B	BRUCE ET AL.			
Document Code - DISQ		Internal Doc		cument – DO NOT MAIL		
TERMINAL DISCLAIMER			☐ DISAPPROVED			
Date Filed : May 29, 2007	This patent is subject to a Terminal Disclaimer					
A						
Approved/Disapproved by:						
Henry D. Jefferson						

U.S. Patent and Trademark Office

Patent Application Attorney Docket No. A2247-US-CIP (XERZ 2 2 00563-3)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

In re Application of: Richard Bruce, et al.

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## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

MAY 29 2007

Application No.: 10/616,388 Group Art Unit: 2621  Filed: July 09, 2003 Examiner: Tabatabal  For: APPARATUS AND METHOD FOR DETECTING AND LOCATING	RARE CELLS					
The owner. Xerox Corporation of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior Patent No. 7,113,624. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.						
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.						
The undersigned is an attorney or agent of record.						
May 29, 2007 Just Her Fulle Signature	jes					
FAY SHARPE LLP  1100 Superior Avenue, Seventh Floor Cleveland, Ohio 44114-2579  Superior Phillips Typed or Printed Name  32,046 Registration No.						
Certificate of Mailing or Transmission						
I hereby certify that this correspondence, and any item referred to herein as being attached or enclosed, are being transmitted to the U.S. Patent and Trademark Office by facsimile in accordance with 37 CFR 1.18 to Centralized Facsimile No. 571-273-8300 on the date indicated below.						
May 29, 2007 May M. Salura						
Date By: Mary M. Schriner						
Please charge \$130 to Deposit Account No. 24-0037 for the terminal disclaimer fee under 37 CFR 1.20(d). (An additional copy of this paper is enclosed.)						

05-29-2007

Patent Application Attorney Docket No. A2247-US-CIP (XERZ 2 2 00563-3)

Commissioner for Palents P.O. Box 1450 Alexandria, VA 22313-1450

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## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

MAY 2 9 2007

	In re Application of:	Richard Bruce, et al.					
	Application No.:	10/616,366	Group Art Unit: 2821				
		July 09, 2003	Examiner: Tabatabal				
•		•	HOD FOR DETECTING AND LOCATING RARE CELLS				
<u>.</u> .							
	The owner, Xerox Corporation, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior Patent No. 7.113.624. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.						
	In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.						
	☐ The undersigned i	is an attorney or agent of re	ecord.				
	May 3	9,2007	Signaturo Hen Fullips				
	FAY SHARPE LLP 1100 Superior Avenu Cleveland, Ohio 441		Sue Ellen Phillips Typed or Printed Name  32.046 Registration No.				
	Certificate of Mailing or Transmission						
	I hareby certify that this or		erred to herein as being attached or enclosed, are being	ĺ			
-	transmitted to the U.S. Patent and Trademark Office by facsimile in accordance with 37 CFR 1.18 to Centralized Facsimile No. 571-273-8300 on the date indicated below.						
	May 29, 21	90 <del>7</del>	May M. Sehuru	10616366			
	Date 0		By: Mary M. Schriner	•			
06/19/20	☑ Please charge \$1	130 to Deposit Account N	o. 24-0037 for the terminal disclaimer fee under 37 CFR losed.)	SFEL ERES			
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## **XEROX**

Dianne Ayers Parent Pinancial & Trademark Coordinator

VIA FACSIMILE: 571-273-6500

June 5, 2007

Honorable Commissioner of Patents and Trademarks
Office of Finance
Refund Division
Box 17
Washington, D. C. 20231

To Whom It May Concern:

The following item was incorrectly debited to our May 2007 account statement for 24-0037:

Serial No. Date Posted Control No. Amount Type 10/616,366 5/31 36 \$130 D

ayus 6-5-07

Our deposit account was charged for a Surcharge for late filing fee or oath or declaration – fee code 1051. However, this is incorrect. Our outside counsel submitted a terminal disclaimer in May 2007. The fee code charged should have been 1814. Therefore, please credit our deposit account in the amount of \$130 to reimburse us for the incorrect charge and properly debit for the fee code 1814 for the Terminal Disclaimer submitted.

Thank you for your attention to this matter.

Very truly yours,

Dianne Ayers

Xerox Corporation 100 South Climon Avenue Xerox Square – 20A Rochester, NY 14644

Telephone 585-423-6998 Factimile 585-423-5240

. PAGE 212 "RCVD AT 64512007 1:31:49 PM [Eastern Daylight Time] "SVR:USPTO-EFXRF-2/10" DHIS:2738500" CSID:+5854235240" DURATION (mm-68):00-44